

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ROBBIE MITCHELL,

Plaintiff,

-against-

SUNY UPSTATE MEDICAL UNIVERSITY,

Defendant.

**ORDER AND
STIPULATION OF
CONFIDENTIALITY**

5:14-CV-701
(TJM/TWD)

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the respective parties, that Plaintiff's counsel shall be permitted to examine the files specified in Paragraph 1 of this stipulation upon the following terms and conditions:

1. This stipulation shall apply to the following: the personnel files of SUNY Upstate Medical University ("SUNY") employees Don Sadeckas and Brian Reed.
2. Prior to providing copies of or access to any portion of the files set forth in Paragraph 1, Defendant's counsel shall be permitted to redact from those documents any personal information, including but not limited to the names, social security numbers, home phone numbers and addresses, and any information protected by HIPAA.
3. Subsequent to the removal of any privileged documents or portions thereof pursuant to Paragraph 2, Defendant's counsel shall produce for Plaintiff's counsel copies of the non-privileged, redacted versions of the files set forth in Paragraph 1.
4. No additional copies of the documents that are furnished to Plaintiff's counsel are to be made, except as needed for counsel's deposition and trial preparation, or for use by experts provided any such expert executes a confidentiality agreement prior to viewing such documents.

5. Plaintiff's counsel and/or Plaintiff's experts, provided they have signed confidentiality agreements as stated in Paragraph 4, shall maintain at all times sole possession, custody, and control of the documents furnished pursuant to this stipulation. In no event shall documents be shown or exhibited in any manner to any other employee of SUNY. If said documents or their contents are discussed by Plaintiff's counsel with experts, such discussions shall only be to the extent necessary for the conduct of the action and the development of issues.

6. Plaintiff's counsel will not show or exhibit in any manner the documents furnished pursuant to this stipulation to his client (Plaintiff) unless or until the Plaintiff has himself an executed confidentiality agreement.

7. All documents provided pursuant to this stipulation, as well as copies of said documents, are to be returned to counsel for the Defendant within 30 days from a final disposition of this matter. However, said documents will again be produced by Defendant's counsel if requested by Plaintiff's counsel for the purpose of post-trial enforcement of any judgment rendered in this action.

8. Any document furnished pursuant to this stipulation that is to be filed with the Court, must be filed under seal.

9. In recognition of the sensitive nature of the files set forth in Paragraph 1, all parties and their counsel agree to act in a responsible manner with regard to the disclosed documents and information so as to safeguard the privacy of the individuals involved, as well as the potential safety and privacy interests of SUNY.

10. Any individual who knowingly and/or intentionally discloses information obtained from the files set forth in Paragraph 1 in violation of the terms of this stipulation may be subject to penalties and sanctions as allowed by law.

Dated: March 9, 2016
Rochester, New York

s/ James D. Hartt
James D. Hartt
Attorney for Plaintiff
70 Linden Oaks, Third Floor
Rochester, NY 14625
Telephone: (585) 425-8682

Dated: March 9, 2016
Syracuse, New York

ERIC T. SCHNEIDERMAN
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Attorney for Defendant
615 Erie Blvd. West, Suite 102
Syracuse, New York 13204
By: /s Kevin M. Hayden
Kevin M. Hayden
Telephone: (315) 448-4808

SO ORDERED:

Dated: March 10, 2016
Syracuse, New York


Thérèse Wiley Dancks
United States Magistrate Judge